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**-- FREEDOM OF INFORMATION APPEAL --**

April 22, 2010

Director, Office of Information Policy  
U.S. Dep't of Justice  
1425 New York Avenue, NW  
Suite 11050  
Washington, DC 20530-0001

**Re: Appeal of FOIA Request No. 1141756-00**

Dear Sir or Madam,

This letter constitutes an appeal pursuant to 6 C.F.R. § 5.9 of the determination in response to request number 1141756-00. The underlying request for records describing the formal structure of information sharing between JTTF and eGuardian; the ISE; and local intelligence agencies in MA was made jointly by the American Civil Liberties Union Foundation of Massachusetts (ACLUM) and Political Research Associates (PRA) on December 30, 2009. Exhibit A.

The Federal Bureau of Investigation denied this request on March 25, 2010, writing that they were “unable to identify responsive main file records” Exhibit B. The requesters challenge the adequacy of this search.

The request in full asked for “records describing the formal structure of information sharing between JTTF and eGuardian, the Information Sharing Environment, and local intelligence agencies in MA, including the Boston Regional Intelligence Center (BRIC), the Commonwealth Fusion Center (CFC), and the Massachusetts Bay Transit Authority (MBTA) or Department of Transportation (Mass DOT); records describing the procedure and standards for sharing of information or intelligence with the CFC and with the BRIC; records of communications between the JTTF and the BRIC and CFC concerning access to information and operational responsibility for investigations; Memoranda of Understanding, contracts or agreements between the JTTF and any federal agency, the Commonwealth of MA or any department, agency, authority or official of the Commonwealth, and any MA city or town or any department, agency or official of a MA city or town providing for the collection, disclosure, or sharing of information or intelligence concerning individuals or organizations.”

There are already publicly available records documenting the enormous size and scope of the cooperation and information-sharing among these agencies and institutions. It is unlikely that this agency would not keep records on the formal structure of those agreement.

For example, the FBI’s own webpage on eGuardian states: “reports that appear to have a potential nexus to terrorism will be added to the Guardian system for further

analysis. **Incidents and threats that are found to warrant investigation will be assigned, via Guardian, to a member of one of the FBI's Joint Terrorism Task Forces (JTTFs).** Nationwide, all 56 FBI field divisions maintain at least one JTTF. The JTTFs are comprised of SLT law enforcement officers who are deputized as federal agents, as well as law enforcement agents from other federal agencies, including the Department of Homeland Security and the Department of Defense. The JTTFs have the primary responsibility for investigating terrorist threats, events, and suspicious activities with a potential nexus to terrorism” <sup>1</sup>(emphasis added).

Further, a January 2009 Nationwide SAR Initiative Activity Summary explicitly states that “eGuardian will be the connection between the JTTF and the ISE-SAR Shared Spaces servers.” Exhibit C. Regarding information sharing between the JTTF and the Massachusetts State Police, who runs the Commonwealth Fusion Center, a previously disclosed Memorandum of Agreement between the FBI's Boston JTTF and the MA State Police states that “Decisions for placement of all or part of said investigative records into MSP files or data bases shall rest with supervisory personnel of the FBI and the MSP in compliance with applicable standards and procedures governing the respective parties.” Exhibit C. The document goes on to state that “[a]ll information developed by the individual member agency, in the course of investigations prior to the JTTF, will be referred to the JTTF for review and coordination, with approval of the command staff of each member agency.” Id

Given these examples of existing documentation, it is unlikely that this agency would not have records in its possession that describe these relationships in detail.

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<sup>1</sup> [http://foia.fbi.gov/eguardian\\_threat.htm](http://foia.fbi.gov/eguardian_threat.htm)

We urge you to conduct an adequately thorough review of documents relating to this request.

Thank you for your consideration.

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Thomas R. Cincotta  
PRA Civil Liberties Project Director